



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

MAY 18 2005

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins CO 80527-2400

In re Application of
Hans A. Lichtfuss
Application No. 09/863,913
Filed: May 23, 2001
For: **INTERNET IMAGE PROJECTOR**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the communication filed February 23, 2005, which is treated as a Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

The petition is **GRANTED**.

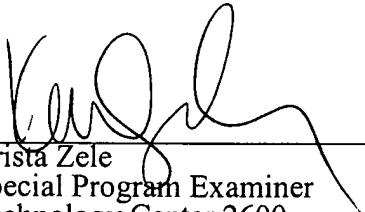
The application was abandoned for failure to respond in a timely and effective manner to the Final Office action mailed January 21, 2004. While a Notice of Appeal was timely filed on May 21, 2004, including a one month extension of time, no Appeal Brief was timely filed. No Notice of Abandonment was mailed.

Petitioner asserts that an Appeal Brief was timely filed on July 20, 2004. In support of the petition, Petitioner has submitted, a copy of the Appeal Brief and date-stamped post card receipt which itemizes: "Transmittal Appellant's Brief (2 pages; 1 original, 1 copy); Appellant's Brief (13 pages in triplicate); 2 Return Postcards"; thereby evidencing receipt of the Brief within the United States Patent & Trademark Office (PTO) on July 20, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Furthermore, a review of the PTO Revenue Accounting and Management (RAM) system finds that the Appeal Brief fee was processed on July 22, 2004. Accordingly, it is concluded that the Appeal Brief was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the Brief submitted with the petition. From there, the file will be forwarded to the examiner for appropriate action in due course.


Krista Zele
Special Program Examiner
Technology Center 2600
Communications